(15)

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No.30/2006

PETITIONERS

1. Anand Sharma,
S/o Late N.L. Sharma
Aged about 31 years,
R/o Bajpai Towar,
Idgah Chowk,
Bilaspur (C.G.).
2. Smt. Minu Dubey,
W/o Shri Karunakar Dubey,
Aged about 41 years,
R/o Nirala Nagar, Bus Stand,
Bilaspur (C.G.).
3. Smt. Pappu @ Padma Sharma,
W/o Shri Vijay Sharma,
Aged about 36 years, R/o Ring Road, Bilaspur (C.G.).
4. Smt. Sima Sharma, W/o Shri Mahesh Sharma, aged about 38 years, resident of Gudiyari, Raipur (C.G.)
5. Smt. Kiran Sharma, W/o Shri Vinay Sharma, aged about 43 years, resident of Rajendra Nagar, Bilaspur (C.G.)
6. Smt. Chandrakanta Sharma, W/o. Shri Late Nathulal Sharma, aged about 65 years, resident of Bajpai Tower, Bilaspur (C.G.)

Versus

NON-APPLICANT

1. State of Chhattisgarh,
Through : Station House Office,
P.S. Civil Line, Tahsil and District Bilaspur (C.G.)
2. Sangeeta Sharma,
W/o Anand Sharma,
D/o Chaturlal Sharma,
R/o Juna Bilaspur, Tahsil and District Bilaspur (C.G.)

Appearance:

Petitioner No.1- Anand Sharma with and petitioners No.2 to 6 by Shri Gautam Khetrapal Advocate.

Respondent No.1/State by Shri Sushil Dubey, Govt. Advocate.

Respondent No.2/complainant – Sangeeta Sharma with Shri Rupesh Shrivastava, Advocate.

---

(48)

ORAL ORDER
(18.07.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Being aggrieved with the order dated 29.07.2006 passed by the Sessions Judge, Bilaspur (C.G.) in Criminal Revision No.190/2006, the petitioners, who are the accused persons, have filed this Criminal Miscellaneous Petition. The aforesaid Revision was filed against the order dated 09.05.2006 passed by the Additional Chief Judicial Magistrate, Bilaspur in Criminal Case No.294/2003, whereby, an application for compounding the offence under Section 320 (2) of Cr.P.C. was dismissed by the said Court for want of jurisdiction.

The brief facts are that at the instance of respondent No.2 (wife), a First Information Report was lodged, on which, Crime No.198/2003 was registered in Police Station – City Kotwali, Bilaspur under Section 498-A read with Section 34 of the IPC and Sections 3 & 4 of the Dowry Prohibition Act. Ultimately, the charge sheet was filed before the concerned Court and the proceedings were drawn. During the pendency of such proceedings, the complainant as well as accused persons filed an application for compounding the offence under Section 320 (2) of Cr.P.C. It was prayed that the complainant has entered into a compromise with the accused persons and now she does not want to prosecute the criminal case any more, therefore, the proceedings of the case be dropped. The aforesaid application was dismissed by the trial Court for want of jurisdiction and the order was confirmed by the Revisional Court, against which, this Criminal Miscellaneous Petition has been filed.

So far as matter of compromise is concerned, respondent No.2 is present in person before me. Having ascertained from her, she has admitted before me that they have entered into a compromise and she does not want to prosecute with the case and the proceedings of the case be dropped.

The jurisdiction of the High Court under Section 482 Cr.P.C. regarding quashment of a proceeding under Section 498-

A of I.P.C. in view of Section 320 Cr.P.C. is no longer *res integra*. It has been observed by the Apex Court in the matter of ***B.S. Joshi and others Vs. State of Haryana & another, 2003 (2) C.G.L.J. 35*** that 'there is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Indian Penal Code was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hypertechnical view would be counterproductive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of the Indian Penal Code.' Observing this, the Apex Court laid down that such proceedings can be quashed by the High Court under Section 482 Cr.P.C. in its inherent jurisdiction.

After hearing the parties and after being satisfied that after the divorce, the parties have entered into a compromise and are praying for quashing of the proceedings under Section 498-A of the IPC, it would be just and proper for this Court to accept their compromise and to quash the proceedings under the inherent jurisdiction .

Accordingly, the prayer is allowed.

In view of the above, the proceedings of Criminal Case No.294/2003 (State vs. Anand Sharma and others) pending in the Court of Additional Chief Judicial Magistrate, Bilaspur are hereby quashed.

Sd/-
SUNIL KUMAR SINHA
Judge

Shyna